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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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In the matter of

Administration of the North  
American Numbering Plan Carrier  
Identification Codes (CICs)

CC Docket No. 92-237

**COMMENTS OF THE  
TELECOMMUNICATIONS RESELLERS ASSOCIATION  
PETITIONS FOR RECONSIDERATION**

The Telecommunications Resellers Association ("TRA"),<sup>1</sup> through undersigned counsel and pursuant to Section 1.429(f) of the Commission's Rules, 47 C.F.R. § 1.429(f), hereby responds to petitions for reconsideration of the Second Report and Order, FCC 97-125 ("Second Report and Order"), released by the Commission in the captioned docket on April 11, 1997.<sup>2</sup> Through the Second Report and Order, the Commission drastically reduced the timeframe within which carriers and the public are to prepare for the conversion from 3-digit to 4-digit carrier

<sup>1</sup> A national trade association, TRA represents more than 500 entities engaged in, or providing products and services in support of, telecommunications resale. TRA was created, and carries a continuing mandate, to foster and promote telecommunications resale, to support the telecommunications resale industry and to protect and further the interests of entities engaged in the resale of telecommunications services. Although initially engaged almost exclusively in the provision of domestic interexchange telecommunications services, TRA's resale carrier members have aggressively entered new markets and are now actively reselling international, wireless, enhanced and internet services. TRA's resale carrier members are also among the many new market entrants that are, or soon will be, offering local exchange and/or exchange access service.

<sup>2</sup> Petitions for Reconsideration have been filed by the Competitive Telecommunications Association ("CompTel"), Telco Communications Group ("Telco"), and Vartec Telecom, Inc. ("Vartec") (collectively, "Petitioners").

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identification codes ("CICs") from the originally proposed six years to effectively a period of less than nine months. TRA agrees with Petitioners that the Commission should reconsider its decision to dramatically curtail the 4-digit CIC transition period. In particular, TRA urges the Commission to adopt a deadline by which all end office switches must be programmed to accommodate 4-digit CICs and to extend the close of the transition period for a reasonable time thereafter in order to allow meaningful consumer education efforts to be undertaken.

The Second Report and Order's drastic reduction in preparatory time will place significant compliance burdens on the interexchange carrier ("IXC") community, since in many instances even diligently pursued equipment modifications will not be capable of completion within this timeframe. Thus, many consumers may be without the ability to reach their chosen carriers in all instances for a period of time, perhaps a significant period of time, after the January 1, 1998, deadline established by the Commission. Additionally, the Second Report and Order establishes merely the close of the transition period without requiring incumbent local exchange carriers ("LECs") to fully convert their networks to accommodate 4-digit CICs by a date certain prior to the close of that transition period. The Commission has thus inadvertently created a functional "flash-cut" by failing to provide any realistic opportunity for the 3-digit/4-digit CIC overlap period which will be critical to the ability of carriers to prepare customers for the mandatory use of 7-digit carrier access codes ("CACs") to complete "dial-around" calls. Consumer education efforts will only succeed if, as is the case with area code changes, consumers may for a certain period of time use either of two methods -- here, either the carrier's 3-digit CIC, or *that same carrier's* 4-digit CIC -- to route calls. Indeed, carriers cannot even practically commence consumer education measures until such time as both 3-digit and 4-digit

CIC functionality is available to customers. As Petitioners point out, for many carriers, this day has not yet arrived.

TRA supports the Commission's desire to promote the orderly and equitable availability of CICs and agrees with the Commission that the introduction of additional CICs will benefit competition in the long run by facilitating the provision of service by new entrants in both the local and long distance market. However, the Second Report and Order takes an overly conservative approach to forecasting the likely demand for CICs, a conclusion which appears related to the Commission's moderate relaxation of the CIC conservation plan.<sup>3</sup> TRA believes that even after taking this moderate relaxation into account, it is quite likely that the universe of currently available 4-digit CICs will not be exhausted until significantly beyond January 1, 1998, since many new entrants will initiate and continue to provide service without the need or desire for a CIC. The technological and consumer education burdens which the Second Report and Order has unexpectedly placed upon IXC's, however, are immediate and serious in nature. The appropriate remedy, in TRA's opinion, would be the adoption of comparatively minor modifications to the Second Report and Order, which would significantly minimize or altogether alleviate the unanticipated hardships the Second Report and Order has generated. Inasmuch as the Commission has indicated that it will continue to monitor the rate of CIC applications and assignments, any necessary adjustments to CIC assignment processes can be identified and remedied as they occur, without imposing obligations upon IXC's to remedy a predicament which does not now, and possibly never will, exist.

As the Commission has noted, "[c]arriers, equipment owners, callers, and

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<sup>3</sup> Administration of the North American Numbering Plan (Second Report and Order), CC Docket No. 92-237, FCC 97-125, ¶¶ 4, 8 (April 11, 1997) ("Second Report and Order").

equipment manufacturers are affected by the expansion of CICs from three to four digits and CACs from five to seven digits."<sup>4</sup> The six-year transitional period proposed in the Commission's Notice of Proposed Rulemaking in this matter<sup>5</sup> represented an attempt by the Commission to "reduce, or even eliminate hardships"<sup>6</sup> to entities required to modify equipment to meet the technological demands associated with the use of 4-digit CICs. As the Petitions for Reconsideration demonstrate, significant equipment modification remains to be completed and even diligent efforts to undertake these upgrades will not, in some cases, allow for completion of the task prior to January 1, 1998.

As CompTel points out, numerous long distance carriers utilize automatic dialers coincident to the provision of service to the vast majority of their customers. For such carriers, conversion to 4-digit CICs will entail nothing short of individualized identification of each such customer and dispatch of a technician to the customer's location in order to reprogram each automatic dialer.<sup>7</sup> Likewise, the Alarm Industry Communications Committee has characterized the six-year transition period as necessary in order to accommodate the significant alarm panel programming required to implement the transition to 4-digit CICs. Such panels employ autodialers and thus "must be individually reprogrammed, a process that requires an alarm company to arrangement appointments with each affected subscriber so that alarm technicians can manually change the dialing pattern in each alarm panel installed within the protected

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<sup>4</sup> Id. at ¶ 10.

<sup>5</sup> Administration of the North American Numbering Plan (Notice of Proposed Rulemaking), 9 FCC Rcd. 2068, ¶ 54 (1994) ("Notice of Proposed Rulemaking").

<sup>6</sup> Second Report and Order, FCC 97-125 at ¶ 12.

<sup>7</sup> CompTel Petition at 4-5.

premises."<sup>8</sup> Quite apart from the overwhelmingly labor-intensive efforts required to individually reprogram vast amounts of equipment, virtually every small LEC commenter has vigorously urged the Commission to retain the proposed six-year transition period because "switches of smaller LECs generally do not have the most recent software upgrades, which are very costly and at times exceed the cost of switch replacement."<sup>9</sup>

The Commission's tentative six year transition period was deemed appropriate in part because an extended transition period would benefit the public interest by allowing existing equipment to be utilized for a period more fully approaching its useful life.<sup>10</sup> The Commission's observation that "entities, both large and small have had reasonable notice about the need to upgrade their systems"<sup>11</sup> thus falls far short of demonstrating that those same entities were on notice that the Commission would radically depart from its long-enunciated policy goals. Up to and including April 11, 1997, the only notice parties had was that system upgrades would need to be completed by some future time. The Second Report and Order's January 1, 1998 deadline shaves more than three years off the period of time which the Commission has, since the inception of this proceeding, led parties to believe would be allowed for completing the requisite modifications. Given that parties received specific notice only upon issuance of the Second

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<sup>8</sup> Second Report and Order, FCC 97-125 at ¶ 19 (*citing* Comments of the Alarm Industry Communications Committee at 1-2).

<sup>9</sup> Id. at ¶ 18 (*citing* Comments of GVNW Inc./Management at 2).

<sup>10</sup> Notice of Proposed Rulemaking, 9 FCC Rcd. 2068 at ¶ 54; Second Report and Order, FCC 97-125 at ¶ 12.

<sup>11</sup> Second Report and Order, FCC 97-125 at ¶ 36.

Report and Order, TRA agrees with CompTel that "the practical effect of the Order will be to give many carriers a transition period of only nine months".<sup>12</sup>

The Commission' comfortable reliance upon the concept that parties have had "reasonable notice about the need to upgrade their systems" also fails to take into account that for many carriers, notice is largely irrelevant. A carrier could have a decade of notice but might have no means of preparing for a conversion because incumbent LEC switches, essential to the routing of calls, have not been modified to handle 4-digit CICs. It is clear that, as CompTel notes, the Commission's greatly accelerated implementation schedule appears to assume the widespread, almost universal, availability of 4-digit CIC functionality in end office switches. Such is not the case. Further, as Telco's Petition demonstrates, even assuming incumbent LEC switch upgrades are accomplished prior to the January 1, 1998, deadline, "dial-around interexchange service providers will need additional time to field test every end-office to guarantee that the CACs would be processed properly."<sup>13</sup> Extending the transition period is thus equitably required to resolve the dilemma facing interexchange carriers which, through no fault of their own, re currently unable to serve casual callers utilizing a 4-digit CIC and which may remain unable to provide the service sought by these customers up to or even after January 1, 1998.

By failing to mandate 4-digit CIC capability at the end office level significantly in advance of the transition close, the Second Report and Order creates a second, equally serious problem. As the Commission has recognized, "carriers must educate callers about the need to dial

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<sup>12</sup> CompTel Petition at 2.

<sup>13</sup> Telco Petition at 4.

7-digit CACs, and callers must be prepared to do so."<sup>14</sup> TRA wholeheartedly agrees with the Commission that a "transition is reasonable and necessary to avoid a flash-cut conversion to four digit CICs which would be contrary to the public interest."<sup>15</sup> Indeed, the Commission has clearly held that

"[a] sudden shift to four digit codes could be particularly detrimental to smaller carriers and equipment owners who could be required to modify or replace their systems to support four digit CICs. A flash-cut conversion would give no warning to those members of the industry who have yet to prepare their equipment, switches and networks for the conversion and no warning to callers that they may no longer dial five digit CACs, but instead must dial seven digit CACs."<sup>16</sup>

Unfortunately, the Second Report and Order effectively dictates precisely the "flash-cut" situation which the Commission wishes to avoid. By establishing only a single deadline closing the transition period, the Commission has guaranteed that incumbent LECs may delay the implementation of 4-digit CIC technology with impunity up to and including December 31, 1997. Even after all switches are capable of accepting 4-digit CICs, an appreciable amount of time will nonetheless be required by IXCs to condition their customers to use 4-digit CICs. Because 4-digit CIC technology is not yet universally available, many IXCs cannot commence such consumer education activities since "dial-around" calls currently cannot be completed if a 4-digit CIC is used. At the same time, however, the rapidly approaching January 1, 1998 deadline virtually compels immediate initiation of consumer education measures, if those

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<sup>14</sup> Second Report and Order, FCC 97-125 at ¶ 10.

<sup>15</sup> Id. at ¶ 33.

<sup>16</sup> Id. at ¶ 30.

measures are to have any real likelihood of preparing consumers to use 7-digit CACs to complete "dial-around" calls.

The accommodation suggested by TRA would eliminate the implementation difficulties associated with time-consuming database and equipment updates or, in extreme cases, replacements, all of which must be completed, tested and permanently implemented by carriers within a space of less than nine months pursuant to the Commission's Second Report and Order. It would also provide carriers with a meaningful opportunity to transition consumers gently into the use of 7-digit CACs to reach carriers of their choice without the negative repercussions which would necessarily flow from the "flash-cut" implementation currently permitted under the Second Report and Order.

By reason of the foregoing, the Telecommunications Resellers Association urges the Commission to require implementation of 4-digit CIC capability at the switch level by no later than January 1, 2000, and to extend the transition period during which 3-digit and 4-digit



CICs may be utilized simultaneous for a minimum of one year beyond that deadline in order to accommodate consumer education considerations.

Respectfully submitted,

**TELECOMMUNICATIONS  
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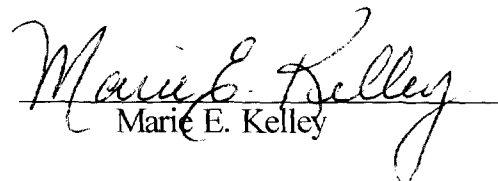
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